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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MICHAEL FOX,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA, et al

15 Defendant.
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Civil Case No. 07CV2388-DMS (POR)

THE FEDERAL DEFENDANTS'
NOTICE OF MOTION AND MOTION
TO DISMISS PLAINTIFF'S ACTION

Date: May 16, 2008

Time: 1:30 p.m.

Crtrm: 10

Judge: Hon. Dana Sabraw

[No Oral Argument per local rule
Unless Requested by the Court]

21 Please take notice that on or as soon thereafter as counsel may be heard, in the courtroom
22 of the Honorable Dana Sabraw, the Federal Defendants, through their attorneys of record, Karen
23 P. Hewitt, United States Attorney, and Steve B. Chu Assistant U.S. Attorney, will bring on their
24 motion to dismiss Plaintiff's action pursuant to Federal Rules of Civil Procedure ("F.R.C.P.")
25 12(b)(1)-(6). Counsel need not appear for oral argument unless requested by the court.

26 This motion for dismissal with prejudice is based on the ground that Plaintiff has failed
27 to plead with sufficient specificity, based his case upon insubstantial allegations, and failed to
28 exhaust his administrative remedies.

1 This motion is based on this Notice, the accompanying Memorandum of Points and
2 Authorities and exhibits filed in support thereof, Plaintiff's Complaint, First Amended
3 Complaint, the court's files and records in this and pending related actions, and any other matter
4 the court may consider at oral argument or otherwise.

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6 DATED: April 7, 2008

KAREN P. HEWITT
United States Attorney

8
9 /s Steve B. Chu

10 STEVE B. CHU
11 Assistant U.S. Attorney
12 Attorneys for all Federal Defendants
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